

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MARISSA BIBBS : CIVIL ACTION
v. :
TRANS UNION LLC : NO. 20-4514
: :
: :

ORDER

AND NOW, this 29th day of January 2021, upon considering Defendant's emergency Motion (ECF Doc. No. 34) to amend our December 1, 2020 Order (ECF Doc. No. 19), Plaintiff's Response (ECF Doc. No. 35) largely agreeing to extend discovery but disagreeing with the Defendant's stated reasons but not answering concerns about Plaintiff's delay in medical disclosures or alternative theories raised in Plaintiff's deposition, further mindful the parties may agree to continue discovery if it does not interfere with our summary judgment deadlines, otherwise finding good cause to allow the parties to address potential summary judgment arguments, and reminding counsel admitted specially to appear in this Court of their obligations to avoid personal attacks and adhere to fundamental tenets of professionalism and respect to all counsel and for members of the Bar of this Court to ensure their submissions avoid personal attacks, it is **ORDERED** Defendant's Motion (ECF Doc. No. 34) is **GRANTED in part** and we **amend** our December 1, 2020 Order (ECF Doc. No. 19) solely as to prospective obligations so as to allow the parties to be ready for a two-day trial on **May 10, 2021**:

1. All fact and expert discovery shall be served, noticed and completed by **March 10, 2021** unless counsel agrees to extend discovery without affecting our trial date;
2. Summary judgment (if necessary after our prompt Order on the pending Motion for judgment on the pleadings) and *Daubert* motions, if any, shall be filed no later than **March 12**,

2021. Responses shall be filed in accord with the Local Rules and this Court's Policies and no later than **March 26, 2021**;

3. No later than **April 21, 2021**, counsel for each party shall exchange a list identifying each exhibit the party expects to offer at trial along with a reference to the Bates number or other identification of the documents used in discovery;

4. No later than **April 22, 2021**, each party shall file a pretrial memorandum compliant with our Policies and, mindful of possible COVID-19 mitigation effects upon this trial in May 2021, describe the parties' positions as to a non-jury disposition in the courtroom or by video sharing technology with all exhibits and deposition designations filed consistent with this Order;

5. No later than **April 23, 2021**, each party shall file proposed jury instructions on substantive issues and proposed verdict forms or special interrogatories, with an electronic copy e-mailed in Word format to Chambers_of_Judge_Kearney@paed.uscourts.gov;

6. All motions affecting trial presentations (e.g., *in limine*), proposed *voir dire* peculiar to your case, objections to proposed jury instructions, list of contested exhibits and deposition designations (providing the exhibits and highlighted designations to Chambers) shall be filed on or before **April 26, 2021**. Responses, including highlighted counter-designations and objections, if any, shall be filed on or before **May 3, 2021**;

7. A final pretrial conference will be held telephonically on **May 6, 2021 at 8:45 A.M.** Counsel for Plaintiff shall initiate this call and timely call Chambers at 267-299-7680 when all counsel are on the line;

8. Counsel is attached for jury selection followed by two-day trial beginning on **May 10, 2021 at 9:00 A.M.** in Courtroom 6-B; and,

9. All other obligations in our December 1, 2020 Order (ECF Doc. No. 19) remain in effect.



KEARNEY, J.